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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Flock *et al.*

FILED: December 15, 2003

SERIAL NO.: 10/736,133

FOR: Electromagnetic Treatment of
Tissues and Cells

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ART UNIT:

3739

EXAMINER:

Roane, Aaron F.

DOCKET:

D6462CIP

Mail Stop Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION TO REVIVE NONPROVISIONAL APPLICATION
UNDER 37 C.F.R. 1.137(a)**

Dear Sir:

The above-referenced nonprovisional application went abandoned on September 15, 2008 for failure to timely file a proper reply to the Office Letter mailed on March 14, 2008. This petition is in response to the Notice of Abandonment mailed on November 19, 2008.

The abandonment of the above-referenced nonprovisional application and the entire delay, from the date of the abandonment to the filing of this Petition to Revive, was unavoidable.

Applicants submit that on Wednesday, September 10, 2008, the office of Counsel for Applicant underwent mandatory emergency evacuation in preparation for Hurricane Ike. On Friday, September 12, 2008, Hurricane Ike reached the City of Houston and lasted until Sunday, September 14, 2008. However, in the aftermath of Hurricane Ike, most of Houston did not have electrical power or mail postal service until September 22, 2008 (please see attached L.A. Times article).

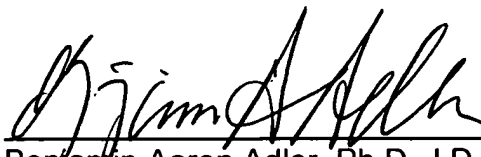
The Counsel for Applicant had already drafted a complete response to the Office Action by September 10, 2008 and was awaiting confirmation instructions from the Applicants to submit the response by September 15, 2008. For the period beginning on the date of the emergency evacuation lasting until electrical power and/or mail postal service was restored, the Applicants aver that a Response to the Office Action could not be filed between September 10, 2008 and September 22, 2008 which resulted in the unavoidable abandonment of the referenced application.

APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION.

The Applicants enclose a Response to Office Action. Applicants believe that this Petition is complete and do petition herein that the above-referenced nonprovisional patent application be revived. If any questions remain, Applicants' counsel may be contacted at 713-270-5391. Please charge the \$270 to revive an unavoidably abandoned application under 37 C.F.R. §1.17(l) to the credit card identified on the enclosed Form PTO-2038. **Only in the absence** of Form PTO-2038, please debit any applicable fees from Deposit Account No. 07-1185 upon which the undersigned is allowed to draw.

Respectfully submitted,

Date: Dec 31, 2008
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